

1
2 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
3 AT SEATTLE

4 MAX ENGLERIUS,)

5 Plaintiff,)

6 v.)

7 UNITED STATES GOVERNMENT, et al.,)

8 Defendants.)

CASE NO. C05-1515P

ORDER DECLINING TO SERVE
COMPLAINT AND GRANTING,
LEAVE TO AMEND

9 Plaintiff has filed a complaint in United States District Court of the Western District of
10 Washington at Seattle. The Court, having reviewed the complaint and record, does hereby find and
11 ORDER that the complaint is defective for the following reasons:

12 (1) Rule 8(a) of the Federal Rules of Civil Procedure provides that

13 A pleading which sets forth a claim for relief . . . shall contain (1) a short and plain
14 statement of the grounds upon which the court's jurisdiction depends, unless the court
15 already has jurisdiction to support it, (2) a short and plain statement of the claim
showing that the pleader is entitled to relief, and (3) a demand for judgment for the
relief the pleader seeks. . . .

16 Fed. R. Civ. P. 8(a).

17 Plaintiff's complaint does not comply with the requirements set forth in Rule 8(a). While
18 Plaintiff filed his complaint on the Court's forms, it is not clear under what law or laws he intends to
19 sue the Defendants he names. If Plaintiff wishes to proceed with this action, he must specifically
20 identify the legal and factual bases for his suit, the parties and individuals involved, and the basis for
21 this Court's jurisdiction. In addition, he must provide a clear and concise demand for relief along with
22 the statement of his claim.

23 (2) Plaintiff should be advised that he may sue the United States only under certain
24 statutes where the government has waived sovereign immunity. If he wishes to pursue one of these

25 ORDER DECLINING TO SERVE AND
26 GRANTING LEAVE TO AMEND - 1

1 causes of action, he must state which statute applies and to whom he believes it applies in his case. If
2 the plaintiff wishes to sue a private individual in federal court, he must show that the court has
3 jurisdiction because the parties are all from different states and that the amount in controversy is
4 \$75,000 or more, or that he is suing under a federal statute or the Constitution.


5 (3) If the Plaintiff needs to research the legal basis for his claim, he may use the law library
6 on the 19th Floor of the U.S. District Courthouse, located at 700 Stewart Street, Seattle, WA 98101
7 and open to the public from 12:30 p.m. to 4:30 p.m., Monday to Friday.

8 (4) Plaintiff may file an amended complaint curing the above-mentioned deficiencies **within**
9 **thirty (30) days of the date on which this Order is signed.** The amended complaint must be legible
10 and must be sufficiently clear to produce a readable scanned image. In addition, the amended
11 complaint must carry the same case number as this one. **If no amended complaint is timely filed,**
12 **the Court will dismiss this matter under 28 U.S.C. § 1915(e)(2)(B)(ii).**

13 Plaintiff is advised that an amended pleading operates as a *complete* substitute for an original
14 pleading. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1262 (9th Cir.) (citing *Hal Roach Studios, Inc. v.*
15 *Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1990) (as amended), *cert. denied*, 506
16 U.S. 915 (1992)). Thus, if plaintiff chooses to file an amended complaint, the Court will not consider
17 his original complaint.

18 (5) The Clerk is directed to send Plaintiff a copy of this order and the appropriate forms so
19 that he may file an amended complaint.

20 DATED this 20th day of September, 2005.

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23 
24 Marsha J. Pechman
United States District Judge

25 ORDER DECLINING TO SERVE AND
26 GRANTING LEAVE TO AMEND - 2